

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00125

**Demetrius Renee Kellum,**  
*Plaintiff,*

v.


**Jacob David Putman,**  
*Defendant.*

**ORDER**

Plaintiff Demetrius Kellum, an inmate of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding pro se, filed this civil action against defendant Jacob Putman, district attorney for Smith County, Texas, seeking DNA testing of physical evidence used in his state criminal trial. The case was referred to United States Magistrate Judge K. Nicole Mitchell. The magistrate judge issued a report recommending that this lawsuit be dismissed with prejudice for purposes of proceeding in forma pauperis as frivolous and for failure to state a claim upon which relief may be granted under 28 U.S.C. § 1915A(b). Doc. 11. Plaintiff filed objections essentially repeating the allegations of his complaint.

Having reviewed the magistrate judge's report and the objections *de novo*, the court overrules the plaintiff's objections and accepts the report's findings and recommendations. The court orders that plaintiff's civil action is dismissed with prejudice for purposes of proceeding in forma pauperis as frivolous and for failure to state a claim upon which relief may be granted.

*So ordered by the court on August 24, 2021.*

  
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J. CAMPBELL BARKER  
United States District Judge